



**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CALIFORNIA PUBLIC UTILITIES COMMISSION
AND THE
CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY
SERVICES**

The California Public Utilities Commission (CPUC) and California Governor's Office of Emergency Services (Cal OES) (collectively the Parties) enter into this Memorandum of Understanding (MOU) to coordinate emergency planning, response recovery and mitigation functions between the Parties for emergency and non-emergency purposes.

ROLES AND RESPONSIBILITIES

Cal OES is charged with preparing and protecting California from all hazards and threats whether natural or man-made. Cal OES is both the State's homeland security department and its emergency management agency. Cal OES oversees the State's 911 system and plans and prepares for, responds to, mitigates, and aids in recovery from the effects of disasters and emergencies that threaten lives, property, and the environment. Cal OES is responsible for coordinating the emergency response efforts of all state agencies and departments in times of an emergency. Cal OES is also responsible for deploying resources under the Master Mutual Aid Agreement throughout the state. Cal OES has an existing MOU with the California Utilities Emergency Association (CUEA), a member organization that facilitates emergency issues for utilities, that describes mutual support and operations between the organizations.

The CPUC regulates investor-owned critical infrastructure and utility services, which are vulnerable to natural disasters and/or man-made disruptions. The CPUC ensures that regulated services are delivered in a safe, reliable manner. During an emergency, CPUC's role includes, but it is not limited to, the following:

- Dispatch trained staff to the scene of the incident to investigate;
- Monitor the response of regulated entities;
- Provide accurate and timely information regarding utility safety to the public and local governments;
- Coordinate with local governments; and
- Provide assistance to other government agencies with a direct role in emergency responses.

SHARED PRIORITIES

The following priorities are shared by CPUC and Cal OES for effective communication and coordination during emergency and non-emergency operations:

- Minimize impact to public health and safety during emergencies.
- Assist in preparation for, responding to, and mitigating the effects of emergencies and disasters.
- Pursue open and cooperative coordination at all times.
- Enhance timely and accurate information flow between the two agencies to include alerts and early notification of events when appropriate.
- Conduct regular joint planning, training and exercises.
- Protect the physical and cyber security of critical infrastructure.

Cal OES' RESPONSIBILITIES

In order to achieve optimal results for the shared priorities, Cal OES will perform the activities and functions summarized below.

Disaster Preparedness

- Maintain a current list of the CPUC primary and alternate representatives for interagency emergency planning, notification, operations, recovery, mitigation, and public information.
- Maintain an emergency notification process for contacting the CPUC representatives.
- Assist the CPUC in the development of Emergency Response and Recovery plans and procedures by providing templates, training and review of draft documents.
- Assist the CPUC in the development of Emergency Public Information plans and procedures by providing templates, training, and review of draft documents.
- Assist the CPUC in conducting training and exercises for the CPUC leadership on an annual basis.
- Identify training opportunities within the Standardized Emergency Management System (SEMS) program for CPUC personnel assigned to emergency response and recovery functions.
- Alert the CPUC of training and exercise opportunities on an ongoing basis.

Oversight of Infrastructure Operators

- Assist the CPUC in applying physical security guidelines and cyber security standards for critical infrastructure.
- Provide training to relevant CPUC staff to enable enforcement of the physical and cyber security requirements and standards.
- Provide physical and cyber security assessments at critical sites as agreed to by both Parties.
- Review documents specifically addressing physical and cyber security submitted by the CPUC, and provide feedback in a timely manner.
- Review testimony and work papers specifically addressing physical and cyber security as requested and submitted by the CPUC.

Disaster Response and Recovery

- Coordinate the State's emergency and disaster preparedness, response, recovery, and mitigation activities

- Assign activities to the CPUC related to mitigating the effects of an emergency or disaster.
- Provide feedback on CPUC after-action reports detailing agency activities and recommend improvements.

Government and Business Continuity

- Assist the CPUC in development of government and business continuity plans and procedures by providing templates, training and review of draft documents.

CPUC AGENCY RESPONSIBILITIES

In order to achieve optimal results for the shared priorities, the CPUC will perform the activities and functions summarized below.

Disaster Preparedness

- Provide and update primary and alternate representative contact information to Cal OES for interagency emergency planning, notification, operations, recovery, mitigation, and public information.
- Develop and maintain Emergency Response and Recovery plans and procedures describing how the CPUC shall carry its responsibilities in alignment with SEMS.
- Develop Emergency Public Information plans and procedures in coordination with Cal OES.
- Train personnel assigned emergency response and recovery functions at all organizational levels and participate in local, state, and federal agency exercises, including those conducted by Cal OES.

Oversight of Infrastructure Operators

- Require that infrastructure owners and operators regulated by the CPUC develop emergency preparedness plans.
- Identify testimony and working papers in utility General Rate Cases (GRCs) and other formal pleadings before the CPUC that address a) emergency preparedness and response b) physical security and c) cyber security. Provide the relevant documents to Cal OES for review and feedback.
- Adopt physical and cyber security requirements, based on a standard developed with Cal OES.
- Assist Cal OES in the identification of critical infrastructure in the utility sector.
- Enforce cyber and physical security requirements and standards in consultation with Cal OES.
- Assist the California Independent System Operator in assessment of Western Systems Coordinating Council operating reliability criteria, and identify options to prevent major transmission outages, and communications protocols to provide advance warning of problems.
- Help coordinate with CPUC regulated resources and services as needed by Cal OES, local, state, federal, and other agencies during emergency and non-emergency operations.

- Advise Cal OES on railroad and rail transit technical transportation matters and update status, as necessary.

Disaster Response and Recovery

- Through SEMS, coordinate with multiple jurisdictions or multiple agency emergency and disaster operations.
- Carry out assigned activities related to mitigating the effects of an emergency or disaster in full cooperation with Cal OES and other agencies and/or political subdivisions providing assistance.
- Provide public information support to Cal OES headquarters, regional offices, or local jurisdictions as required during state emergency or disaster response operations.
- Coordinate with Cal OES to identify sensitive, environmental, and historic sites that should receive priority consideration.
- Record and report to Cal OES any costs incurred in carrying out emergency operations, in accordance with pre-established procedures.
- Submit after-action reports detailing agency activities to Cal OES consistent with SEMS.

Government and Business Continuity

- Establish plans and procedures for continuity of leadership and government authority that includes:
 - Succession to essential positions required to maintain decision authority.
 - Pre-delegation of emergency authorities to key officials.
 - Emergency action steps provided in emergency plans and emergency action plans.
- Determine CPUC resources required to continue essential services, and develop the ability to track and allocate resources necessary to provide emergency response and recovery activities.
- Establish alerting and mobilization procedures for continuity operations.
- Develop and implement procedures to resume normal departmental activities following an event.

PROTECTION OF CONFIDENTIAL INFORMATION

“Confidential Information” includes information obtained pursuant to California Public Utilities Code section 583, records exempt from public disclosure under the California Public Records Act (Government Code section 6250, et seq.), or information that is designated by the Parties to be exempt, prohibited, or privileged from disclosure by state or federal law.

The Parties shall take all necessary measures to protect Confidential Information and, consistent with the Public Records Act and any other laws requiring disclosure, treat the shared Confidential Information as confidential. The Parties shall impose all the requirements of this MOU on all of their respective officers, members, employees and agents with access to Confidential Information. Any Confidential Information obtained

by the Parties shall only be used for purposes which are consistent with existing law. The parties both agree to promptly notify each other's legal counsel of any public records act requests they receive seeking information shared or obtained pursuant to this agreement.

This MOU shall be subject to Government Code Section 6254.5, subdivision (e), which exempts from public disclosure under the California Public Records Act, confidential records that one state or local agency has provided to another state or local agency pursuant to an agreement that the latter will treat the disclosed records as confidential.

APPROVAL

This MOU is effective upon completion of the signatures listed below. This MOU shall not be modified except by a written agreement signed by authorized representatives of the Parties.

This MOU shall continue unless or until either party to the MOU determines that the MOU should be terminated. Unless otherwise provided for by the written agreement of both of the Parties, unilateral termination of the MOU shall be effected no sooner than 60 days from the date either party provides written notice of its intent to terminate the MOU. Termination of this MOU shall not affect the obligation of the Parties to maintain the confidentiality of information pursuant to this MOU.

CALIFORNIA PUBLIC UTILITIES COMMISSION:



TIMOTHY J. SULLIVAN
Executive Director

September 20, 2016
DATE

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES:



MARK S. GHILARDUCCI
Director

9/19/16
DATE